

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, March 3, 2011
Regular Meeting - 6:30 p.m.

EARL MCDANIEL
Chairperson

ROBERT HAWKINS

FRED AMERI

CHARLES UNSWORTH

MICHAEL TOERGE

BARRY EATON

BRADLEY HILLGREN

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

JAMES CAMPBELL, Acting Planning Director

LEONIE MULVIHILL, Assistant City Attorney

PATRICK ALFORD, Planning Manager

TONY BRINE, City Traffic Engineer

KAY SIMS, Assistant Planner

MELINDA WHELAN, Assistant Planner

JAIME MURILLO, Associate Planner

MAKANA NOVA, Assistant Planner

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Planning Department staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, March 3, 2011
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

E. REQUEST FOR CONTINUANCES

F. CONSENT ITEMS

ITEM NO. 1 Minutes of February 17, 2011 – Will be forthcoming.

G. NON-PUBLIC HEARING ITEMS

ITEM NO. 2 General Plan Annual Progress Report (PA2007-195)

ACTION: Receive and file.

H. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Department located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 3 Jamboree Chevron (PA2008-165)
1550 Jamboree Road

SUMMARY: The application consists of a conditional use permit to allow the following design and operation changes to an existing service station: demolition of three, unused service bays to increase the floor area of the existing convenience market; introduction of off-site beer and wine sales (Type 20); the addition of an automated car wash; removal of an existing office/storage building and trash enclosure; construction of a new trash enclosure; the addition of landscaping areas; and related interior and exterior improvements. The application also includes a modification or waiver of the landscaping standards of the Zoning Code to allow fewer trees and shrubs than required.

CEQA

COMPLIANCE: The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Use Permit No. UP2008-051.

ITEM NO. 4 Crow Burger Kitchen Appeal (PA2010-155)
3107 Newport Boulevard

SUMMARY: An appeal of the Zoning Administrator's approval of Minor Use Permit No. UP2010-036 allowing an eating and drinking establishment (food service with no late hours) with a covered patio and a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control (ABC) license.

CEQA COMPLIANCE: The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures). The Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. This exemption also includes accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

The proposed project involves the establishment of a restaurant in an existing tenant space and the construction of a new outdoor patio. The proposed use is less than 2,500 square feet. Therefore, both the interior use and outdoor patio qualify for a categorical exemption under Class 3.

- ACTION:**
- 1) Conduct a de novo hearing; and
 - 2) Adopt Resolution No. ____ denying the appeal and upholding and affirming the decision of the Zoning Administrator to approve Minor Use Permit No. UP2010-036, subject to the findings and conditions of approval included within the draft resolution.

ITEM NO. 5 Malarky's Irish Pub (PA2010-172)
3011 Newport Boulevard

SUMMARY: The application consists of a conditional use permit request to expand an existing eating and drinking establishment and to allow for the use of off-site parking. The application also includes a request for a comprehensive sign program to allow more than 3 signs on a single-tenant building.

CEQA COMPLIANCE: The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). This exemption authorizes additions to existing structures of up to 10,000 square feet. The proposed project consists of a 565-square-foot interior dining room expansion and the construction of a new 782-square-foot outdoor dining patio, and therefore, qualifies under this exemption.

- ACTION:**
- 1) Conduct a public hearing; and
 - 2) Adopt Resolution No. ____ approving Use Permit No. UP2010-039 and Comprehensive Sign Program No. CS2011-003.

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Planning Director's report.

ITEM NO. 7 Planning Commission reports.

ITEM NO. 8 Office of the City Attorney

1) Mandatory AB 1234 Training Notice to Commissioners at the Council Chambers

a. Tuesday, March 29, 2011 from 10:00 a.m. to 12:00 p.m.

OR

b. Thursday, March 31, 2011 from 6:00 p.m. to 8:00 p.m.

ITEM NO. 9 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 10 Request for excused absences.

ADJOURNMENT